

## SLEEPY HOLLOW ZONING CODE UPDATES

### Proposed Zoning Code Updates

#### CONTENTS

Sleepy Hollow Zoning Code Updates .....	1
Proposed Zoning Code Updates.....	1
Revise Zoning on Hudson Street from R-4A to R-5 and C-2.....	2
Create the Lower Beekman Avenue Design Standards Overlay District.....	3
Revise Permitted Uses in the C-2 District to Increase Flexibility and Remove Auto-Oriented Uses ..	20
Eliminate the locational requirement for restaurant/food use.....	22
Allow Non-residential Uses on Upper Floors of Mixed-Use Buildings.....	23
Revise Parking Requirements to Modern Standards for a Transit-Oriented Downtown .....	24
Create Development Incentives/Community Benefits to Encourage Investment in the C-2 District	27
Create Development Incentives to Encourage Adaptive Re-Use.....	33
Amend the Strategic Property Redevelopment Floating Zone .....	34

## Sleepy Hollow Zoning Code Updates

Revise Zoning on Hudson Street from R-4A to R-5 and C-2

### *Issue*

The R-4A zoning district was created while the GM plant was still operating. It is similar to the R-4 zone in allowing one- and two-family residences, but also allows retail stores and restaurants. However, this area on Hudson Street between Beekman Avenue and the Village boundary (just north of Division Street) is primarily residential in the mid-block area, with retail or commercial concentrated in nodes at either end of Hudson Street, near Beekman Avenue and Division Street (the southern commercial node at Division Street is across the boundary in Tarrytown).

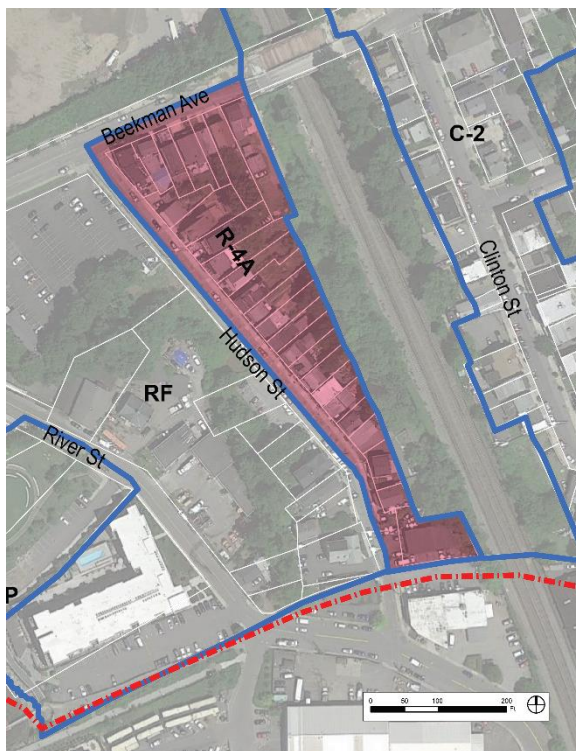
### *Solution*

Rezone the mid-block portion of Hudson Street from R-4A to R-5.

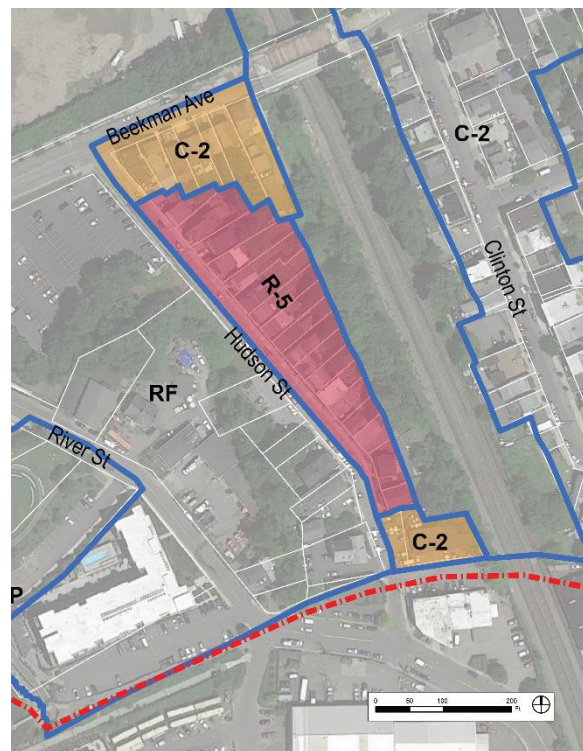
Rezone the commercial nodes at either end of Hudson Street from R-4A to C-2.

Consider removing R-4A from the zoning code (it is not mapped in any other part of the Village).

### *Zoning Text/Map Change*



Existing Zoning on Hudson Street



Proposed Zoning on Hudson Street

### Create the Lower Beekman Avenue Design Standards Overlay District

#### *Issue*

Lower Beekman Avenue (the area west of Kendall Avenue and east of Clinton Street) is zoned for C-2 but has a decidedly residential character. Along this stretch, large, generally well-maintained homes are set back from the sidewalk with small front yards, porches or stoops, and many mature street trees. Some of these homes have been converted to two- or three-family homes. The overall effect is to establish an attractive, walkable neighborhood that serves as a link between the downtown and the waterfront and can take advantage of both assets. Non-residential uses that are currently allowed in the C-2 district are appropriate on Lower Beekman Avenue, such as professional offices, child-care, or small boutiques. However, the predominant visual character of the area should be preserved.

#### *Solution*

An overlay district with design standards will allow for the introduction of non-residential uses, while preserving the existing character and scale of this important Downtown corridor. The Overlay District would create building typologies that are in keeping with the existing context, along with a series of design standards to strengthen the neighborhood character. The Overlay District is a first step toward establishing a formal Form Based Code and design guidelines at this corridor.

#### *Zoning Text/Map Change*

##### **Objectives of the Lower Beekman Avenue Design Standards Overlay District**

- Preserve the permitted uses currently allowed in the C-2 zone, while also requiring compliance with design standards to ensure that new development reinforces the scale and experience of the public realm along Lower Beekman.
- Characteristics of the existing environment that the design standards intend to reinforce include:
  - Front and rear setbacks and sky exposure plane consistent with the existing character of the built environment.
  - Landscaped front yards as required by the following building typologies:
    - Residential Porch/Stoop Building
    - Neighborhood Storefront Building
  - Buildings elevated above the sidewalk level with porches, porticos, or stoops
  - Required facade three-dimensionality, roof typologies and facade proportions including height:width proportions for windows, doorways, dormers or other facade projections

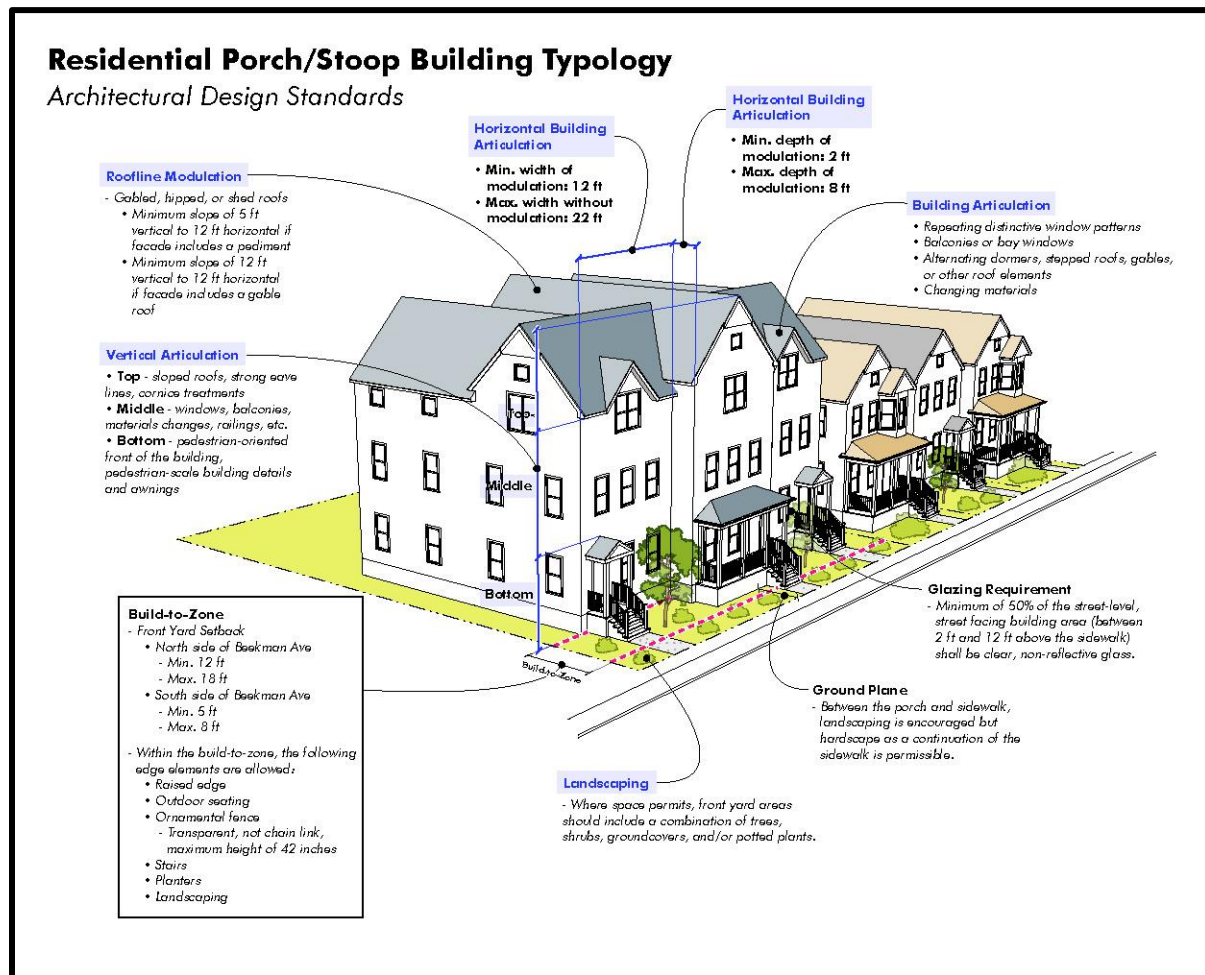
Map of the Overlay District





## Building Typologies Permitted in the Overlay District

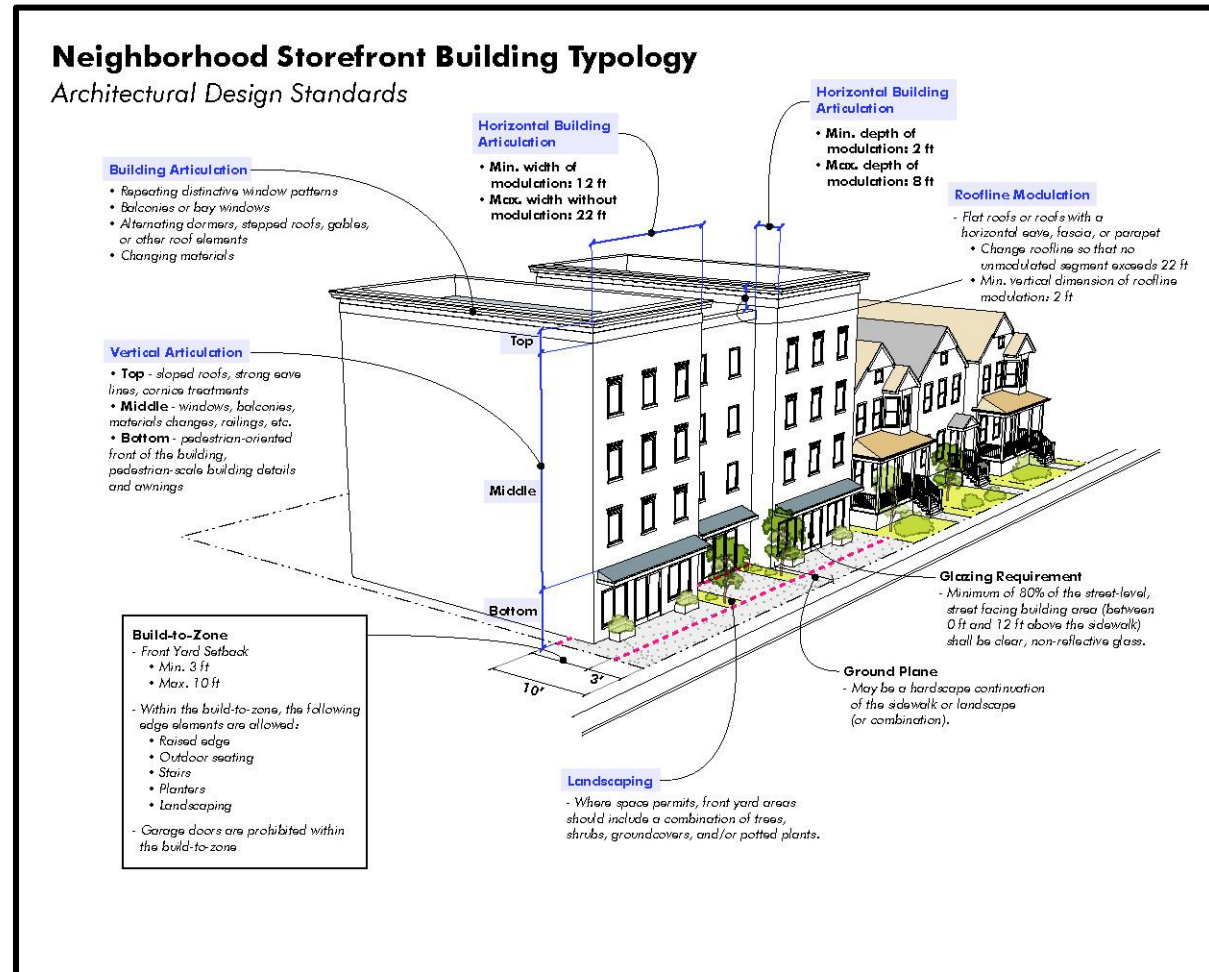
### Residential Porch/Stoop Building Typology



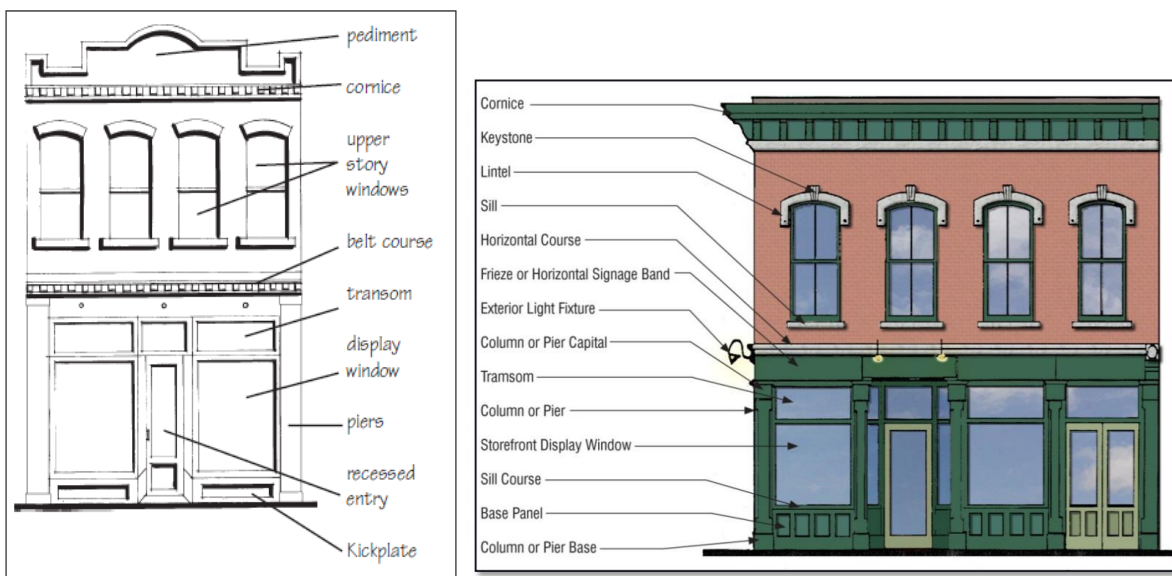
- Porches, stoops and entry porticos
  - Semi-public porches, stoops and porticos, elevated above the ground plane, provide a greater degree of privacy for ground-floor residential uses and help preserve existing architectural character.
  - Porches and stoops may be elevated up to six (6) stair risers within the build-to zone.
  - Porch depth minimum of 6-ft and maximum of 12-ft
- Ground plane
  - Between the porch and sidewalk, landscaping is encouraged but hardscape as a continuation of the sidewalk is permissible to allow for retail or dining activity.
- Glazing requirement
  - Minimum of 50% of the street-level, street facing building area (between 2' and 12' above the sidewalk) shall be clear, non-reflective glass.

- Build-to-zone
  - South side of Beekman Avenue: Minimum front yard setback of 5 feet and maximum front yard setback of 8 feet.
  - North side of Beekman Avenue: Minimum front yard setback of 12 feet and maximum front yard setback of 18 feet.
  - Within the build-to-zone, the following edge elements are allowed:
    - Raised edge
    - Outdoor seating
    - Ornamental fence (transparent, not chain link, maximum height of 42")
    - Stairs, stoops, and porticos
    - Planters and tree pits
    - Landscaping
    - One half of the total depth of proposed front porch(es), stoops or porticos
  - Garage doors, parking areas, drop-off or delivery zones, loading docks, port cochere, and semi-circular driveways are prohibited within the build-to zone.
  - No new sidewalk curb cuts are permissible in the Overlay District except for vehicular access provisions accommodating public use, emergency vehicle access or public parking.
- Setbacks and Sky Exposure Plane:
  - A Sky Exposure Plane is intended to preserve equitable access to light and air to the front yard and rear yard areas. Massing must meet the following front and rear setback requirements, which are indicated as height limits:
    - 0-ft to 18-ft from sidewalk edge: 36-ft
    - 15-ft to 80-ft from sidewalk edge: 55-ft
    - 80-ft and greater from sidewalk edge: 25-ft

## Neighborhood Storefront Building Typology



Storefront component definitions and suggested façade elements:



- The Neighborhood Storefront Building Typology is permissible at corner lots, street intersections, or at street terminated vistas only. The Neighborhood Storefront Typology is prohibited from mid-block areas unless providing a terminated vista to a side street.
- Ground plane
  - May be a hardscape continuation of the sidewalk or landscaped (or combination).
- Glazing requirement
  - Minimum of 80% of the street-level, street facing building area (between 0' and 12' above the sidewalk) shall be clear, non-reflective glass.
  - The storefront façade base panel or kickplate may not be greater than 2-ft in height.
- Build-to-zone
  - Minimum front yard setback of 3 feet and maximum front yard setback of 10 feet.
  - Within the build-to-zone, the following edge elements are allowed:
    - Raised edge
    - Outdoor seating
    - Stairs, ADA-compliant ramps, and porticos
    - Landscaping is limited to tree pits; planters may not be permanently installed. Movable planters are encouraged.
- Garage doors, parking areas, drop-off, or delivery zones, loading docks, port cochere, and semi-circular driveways are prohibited within the build-to zone.
- No new sidewalk curb cuts are permissible in the Overlay District except for vehicular access provisions accommodating public use, emergency vehicle access or public parking.
- Setbacks and Sky Exposure Plane:
  - A Sky Exposure Plane is intended to preserve equitable access to light and air to the front yard and rear yard areas. Massing must meet the following front and rear setback requirements, which are indicated as height limits:
    - 0-ft to 18-ft from sidewalk edge: 45-ft
    - 15-ft to 80-ft from sidewalk edge: 55-ft
    - 80-ft and greater from sidewalk edge: 25-ft



## General Design Standards

The following general design principles are encouraged in the Lower Beekman Avenue Design Standards Overlay District:



- Landscaping
  - Where space permits, front yard areas should include a combination of trees, shrubs, groundcovers and/or planters utilizing native species. No invasive species as defined by NYSDEC are permitted.
  - All sidewalks, open spaces, and parking areas shall be landscaped and/or paved in a manner which will harmonize with proposed buildings. Materials for paving, walls, fences, curbs, benches, etc. shall be attractive, durable, easily maintained, stormwater permeable, and compatible with the exterior of adjacent buildings. Brick or cobble stones are encouraged.
  - Public sidewalks along Beekman Avenue must be maintained at a minimum of 14-ft width or the width of the condition existing at the date of adoption of this regulation.

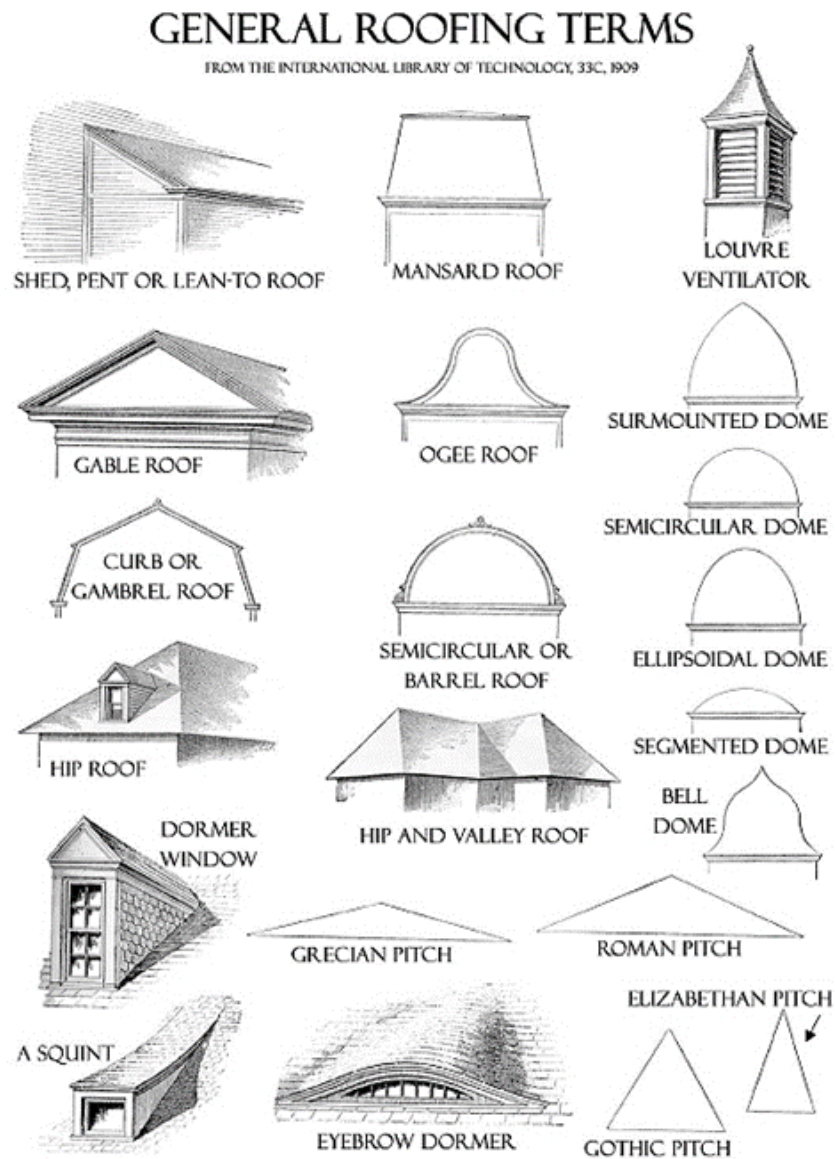
- The Planning Board may require buffer landscaping, fencing, or other screening to separate different types of land uses and to screen parking, utility buildings or structures, refuse collection areas, heating or cooling systems, and other similar installations and features.
- All plants, trees and shrubs shall be installed in accordance with a planting schedule provided by the developer and approved by the Planning Board.
- Curb cuts are banned other than for the provision of rear alleyway access for public use or emergency vehicle access. If curb cuts, fire zones or other public street modifications are necessary, cobble or brick aprons must be incorporated as a street surface treatment.
- If feasible and permissible and if obstacles are not present, street tree pits and approved street trees must be provided at 15-ft increments along the street frontage.
- Stormwater retention tree pits, bioswales, permeable pavement and other green infrastructure amendments are highly encouraged at all sidewalks, driveways and parking areas.

### **Architectural Standards**

- Horizontal building modulation
  - Maximum width without building modulation: 22 feet
  - Minimum depth of modulation: 2 feet
  - Maximum depth of modulation: 8 feet
  - Minimum width of modulation: 12 feet
  - Bays and towers are encouraged
  - Building modulations must be proportionate to the overall building façade
- Roofline Modulation is desirable with use of dormers, gables, turrets or other architectural elements
- Primary entrances are required at the façade facing Beekman Avenue. Building entrances must be covered by a porch or portico.
- At corner lots, the primary building entrance should be located at the corner of the property at a 45-degree to Beekman Avenue and set back a minimum of 5 feet from the corner sidewalk edge.
- Flat roofs or roofs with a horizontal eave, fascia, or parapet
  - Change roofline so that no unmodulated segment exceeds 22 feet
  - Minimum vertical dimension of roofline modulation: 2 feet
  - Parapet pediments or other traditional architectural features are encouraged
  - Flat roofs must visually suggest a cornice at the eave, fascia, or parapet. Architrave, frieze, and cornice molding including brackets, corbels and dental molding is recommended.
- Gabled, hipped, or shed roofs
  - Minimum slope of 5 feet vertical to 12 feet horizontal if facade includes a pediment
  - Minimum slope of 12 feet vertical to 12 feet horizontal if facade includes a gable roof
- Mansard roofs

- Minimum slope of 12 feet vertical to 3 feet horizontal
- Convex, concave, and complex mansard roofs are encouraged.
- Mansard roofs must contain a cornice or curbs below and above the mansard roof
- Dormers
  - Dormers must be vertically oriented, unless the dormer is a shed or squint dormer, and meet the rectangular ratio requirements indicated in the Fenestration requirements in this section.
- Widow's Walks, Cupolas, Bulkhead or Crow's Nests
  - A vertical architectural projection or enclosure to provide roof access is permissible above building height limits if the enclosure is less than 10-ft in height and is no more than 8-ft wide in any direction containing not more than 65 square feet of occupiable space. Ornamental roof typologies are recommended, and enclosures must contain a minimum of 70% glazing. Flagpoles or finials are encouraged. No enclosure may be within 30-ft of another enclosure.
- Building articulation
  - Some combination of the following design elements should be included in a rhythm or pattern that complements the horizontal modulation and roofline modulation:
    - Repeating distinctive window patterns
    - Balconies or bay windows
    - Alternating dormers, stepped roofs, gables, or other roof elements including turrets, towers, campanile, etc.
    - Varying materials and textures
  - Vertical articulation
    - Top: sloped roofs, strong eave lines, cornice treatments, etc.
    - Middle: windows, balconies, materials changes, railings, etc.
    - Bottom: pedestrian-oriented front of the building, pedestrian-scale building details and awnings.
- Materials
  - High-quality, durable materials
  - Masonry, including brick and stone
  - Realistic cast stone or tile
  - Wood or cementitious (hardiplank or equivalent)
  - Vinyl, metal panels, or other artificial siding materials are highly discouraged along street frontages and public ways
  - Other materials subject to approval by the planning board

The following roof and dormer typologies and features are encouraged within the Overlay District:

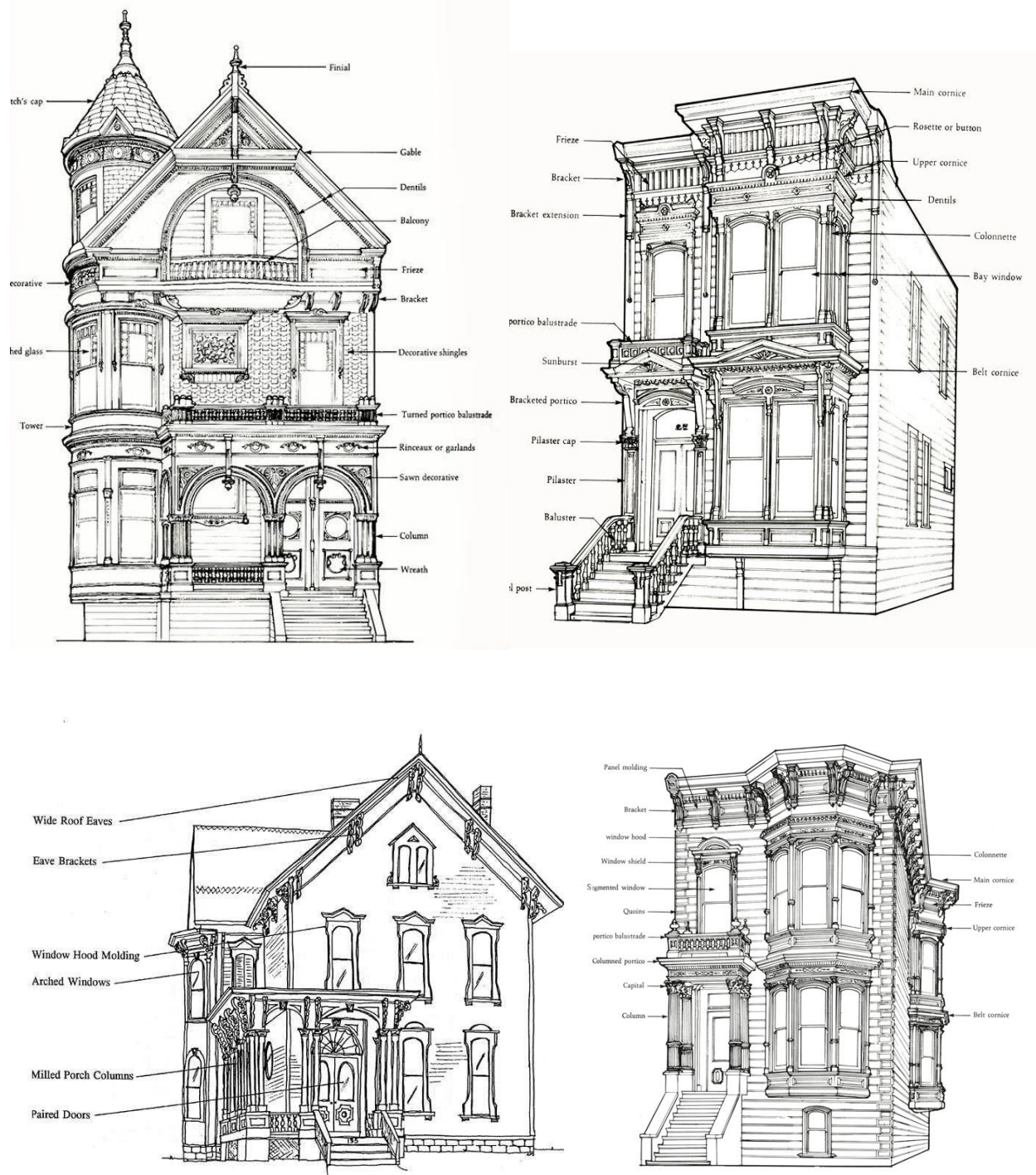


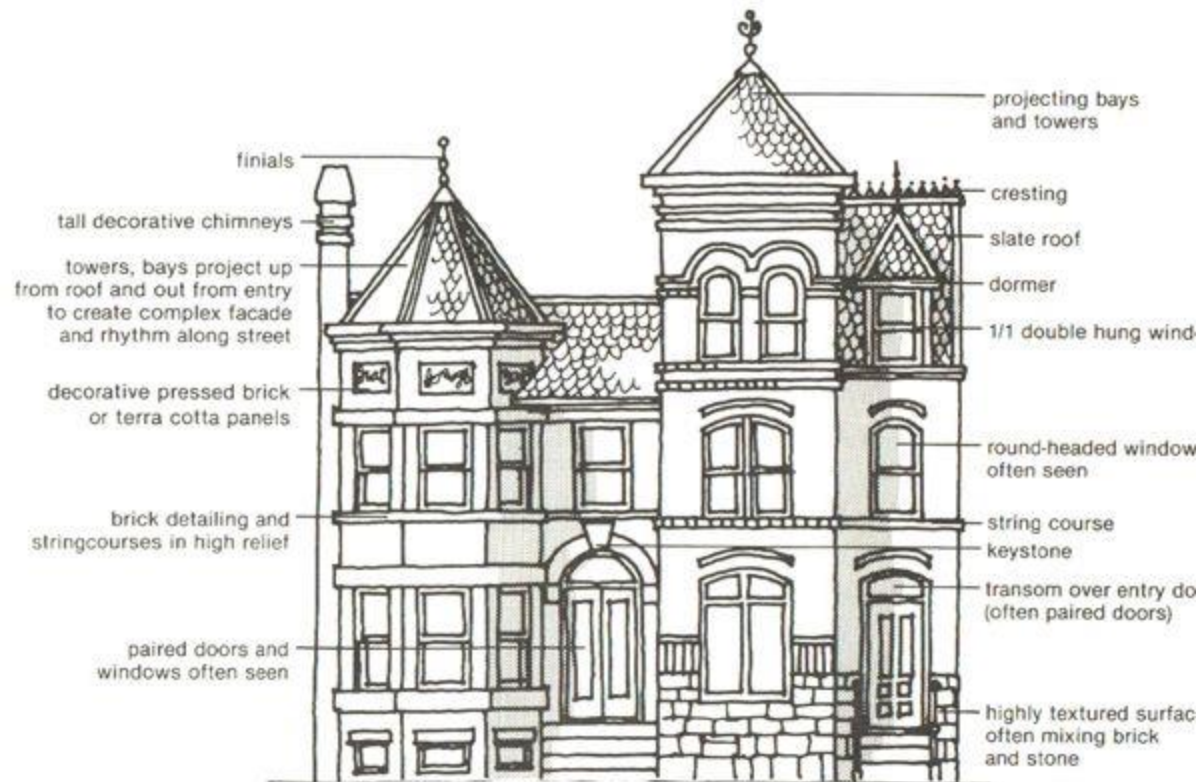
- Fenestration
  - Height to width ratio of single openings and group openings proportionally scaled to the wall. The following width:height ratios are encouraged:
    - Ground Floor: 1:2.236
    - Floor 2: 1:2.36
    - Floors 3 and above: 1:1.618
  - All windows on floors 2 and above must be the same width, unless part of a bay window, facade projection or other architectural feature.
  - The following window height to wall height relationships are highly encouraged:
    - Ground Floor: 80% minimum and 95% maximum of wall height
    - Floors 2 to 3: 50% minimum to 70% maximum of wall height
    - Floors 4 and above: 33% minimum to 50% maximum of wall height
  - Door and window details and trim suitably scaled to the wall.
  - On floors other than the ground floor, reduce large expanses of glass used in windows and doors to smaller component windows reminiscent of traditional main street vernacular architecture. Horizontally oriented bands of glazing are discouraged.
  - Avoid grouped windows.
  - On floors other than the ground floor, windows and doors must be equally and symmetrically distributed horizontally across flat facades.
  - Blank walls are discouraged along any exterior wall facing a street, parking area, or sidewalk.
  - Visible lintels or crossheads are encouraged
- Signage
  - Signage plan shall be provided as part of site plan review.
- Parking Structures
  - Parking structures facing the street should be architecturally integrated in the building or located behind a liner building to screen the structure from public view.
  - Design of parking structures should focus on screening views of cars at the street level.
  - Parking shall be prohibited at the street level within 40 feet of the sidewalk edge so that an active use faces the street on the ground floor.
  - Parking access, ramps, or entrances and exits must be screened from public view and articulated with an archway or otherwise architecturally compelling portal elements.



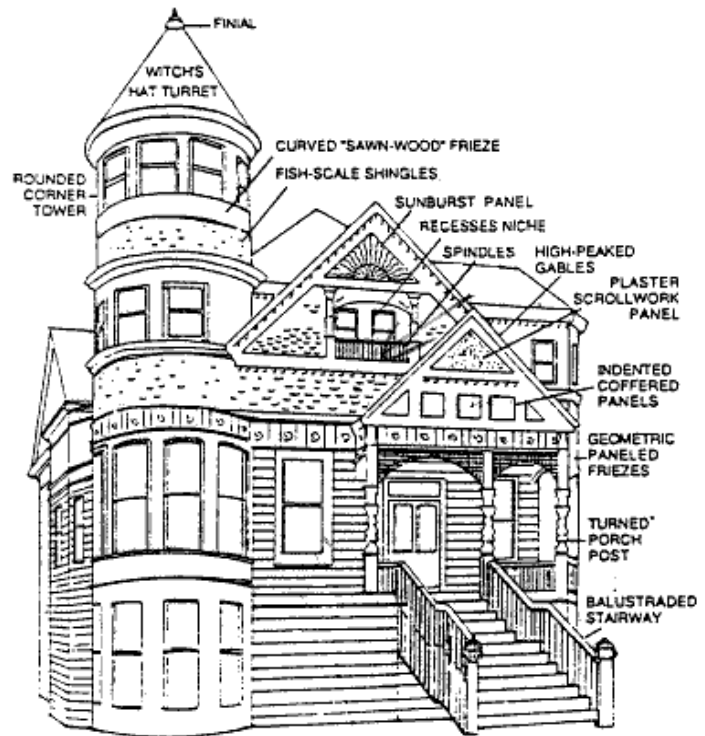
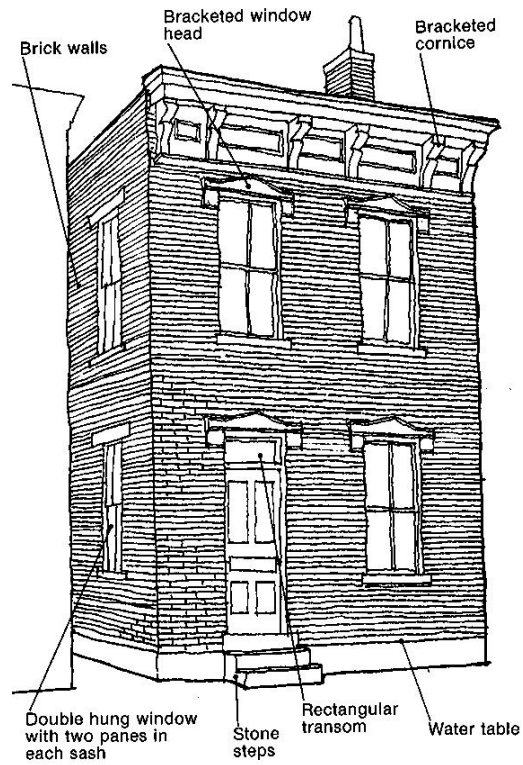
## Sleepy Hollow Zoning Code Updates

Recommended architectural styles include Italianate, Second Empire, Romanesque Revival, Federal, Greek Revival, Half-timbered, Carpenter Gothic, Stick, Queen Anne, or other Hudson Valley vernacular styles of the Victorian period and serve as a visual reference for permissible architectural designs within the Lower Beekman Overlay District. Example images of acceptable architectural styles, elements and encouraged architectural features are included herein:





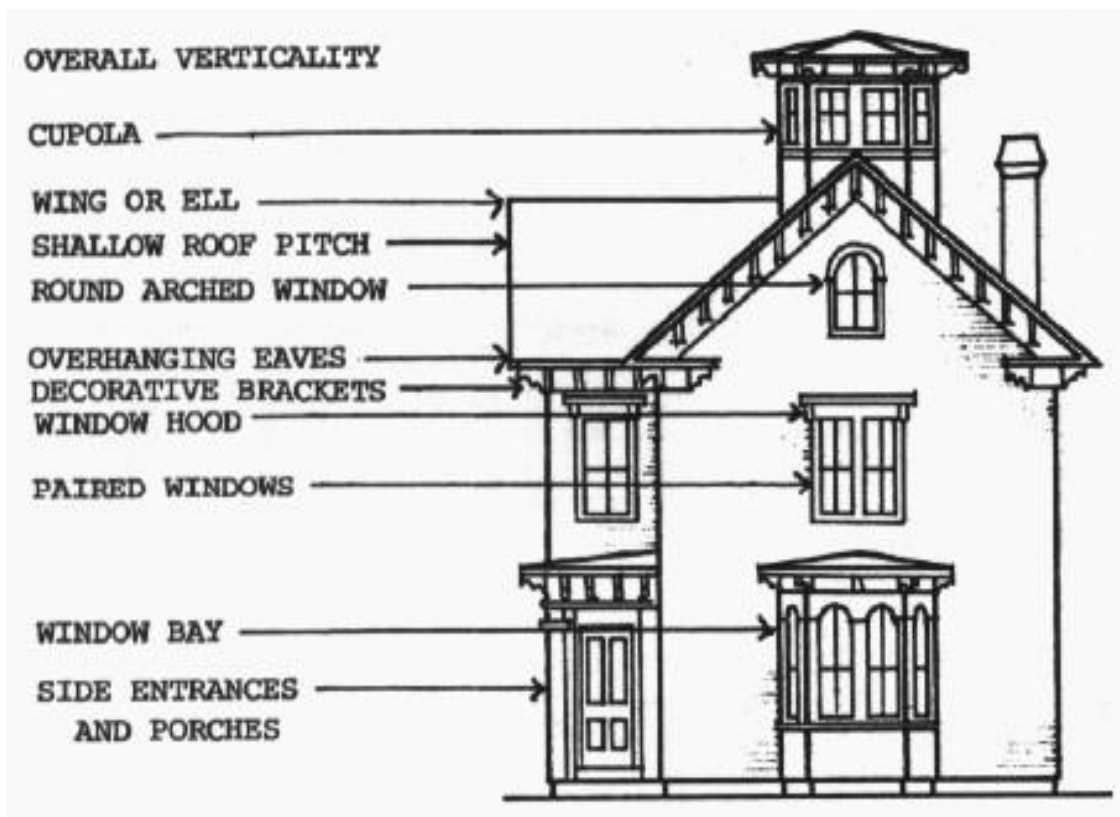
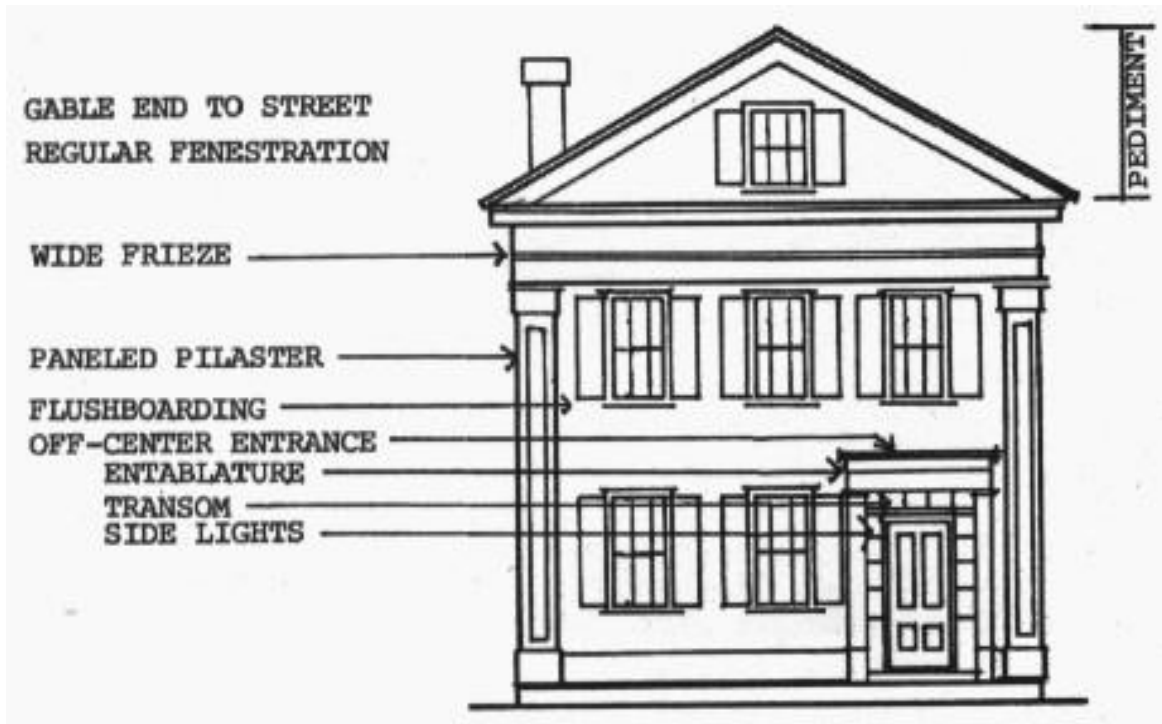
## Sleepy Hollow Zoning Code Updates

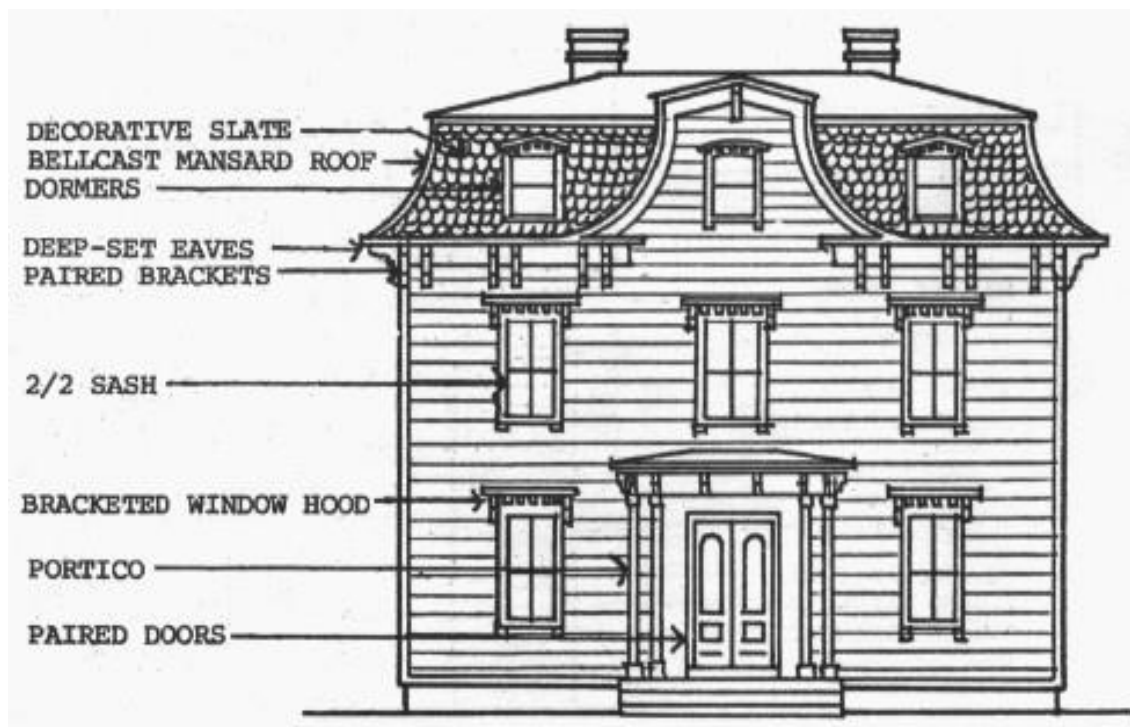
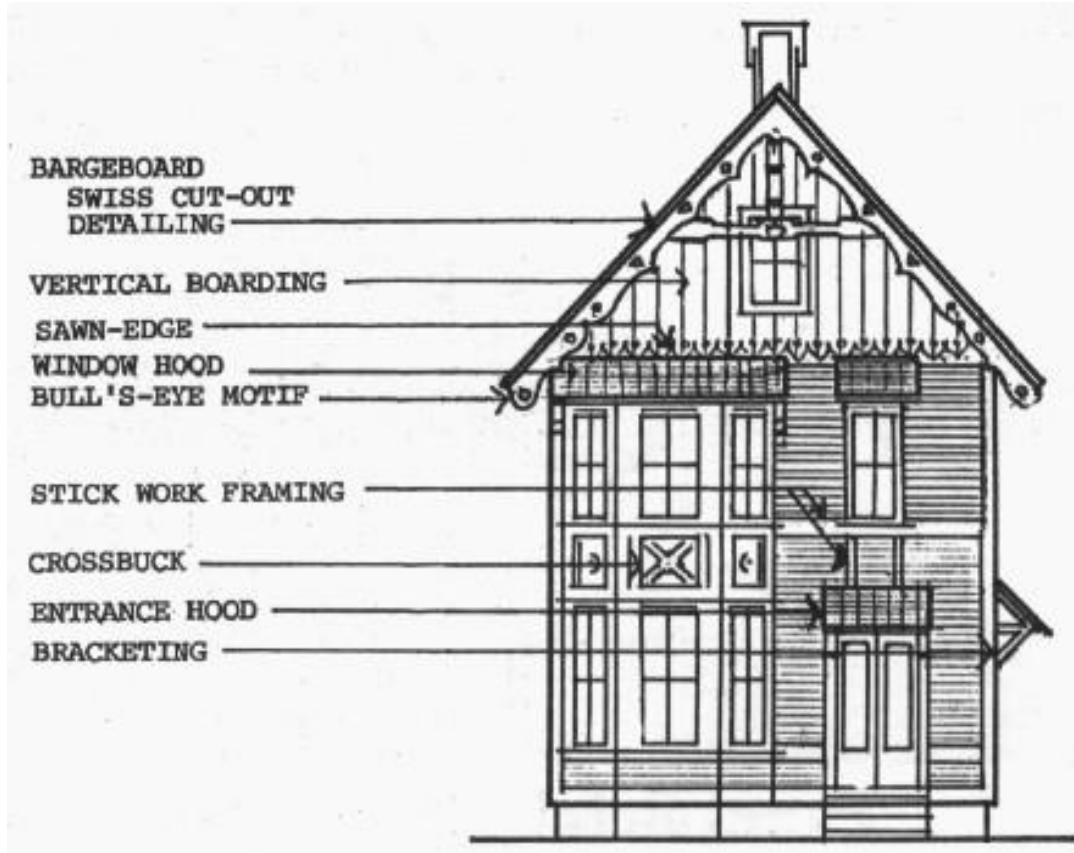


**REGULAR FENESTRATION  
GABLE ROOF  
PROMINENT CHIMNEYS**

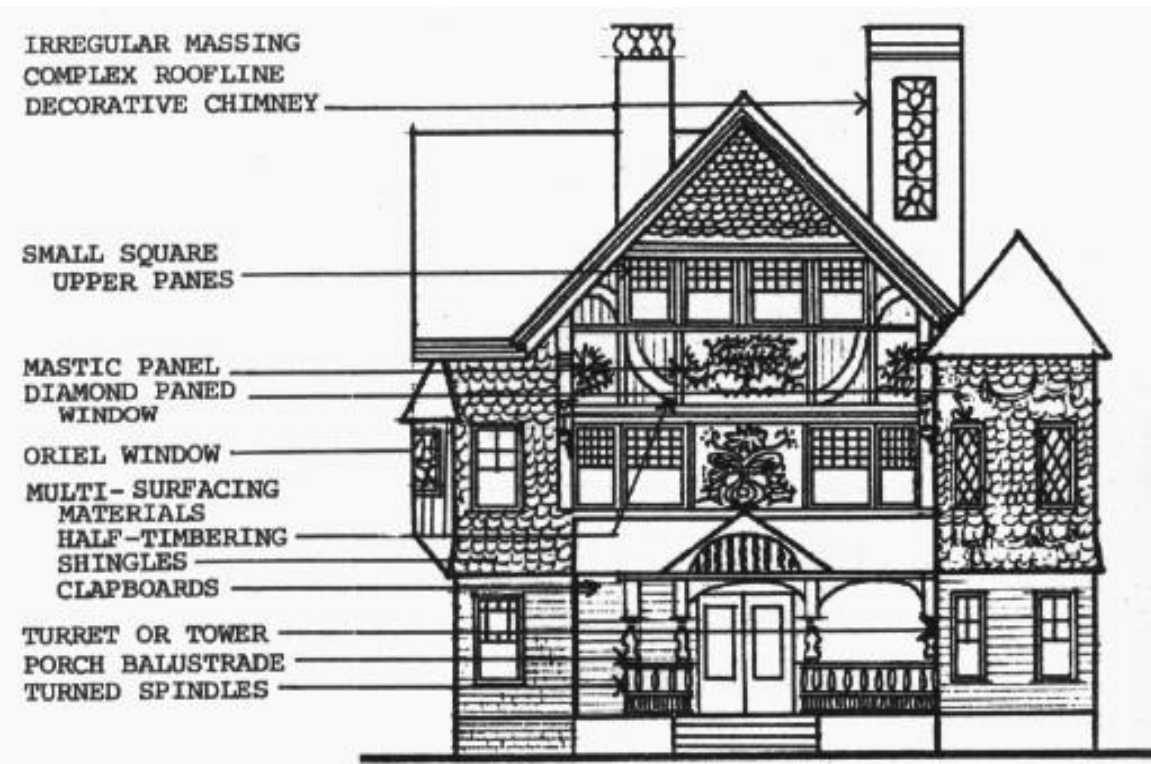
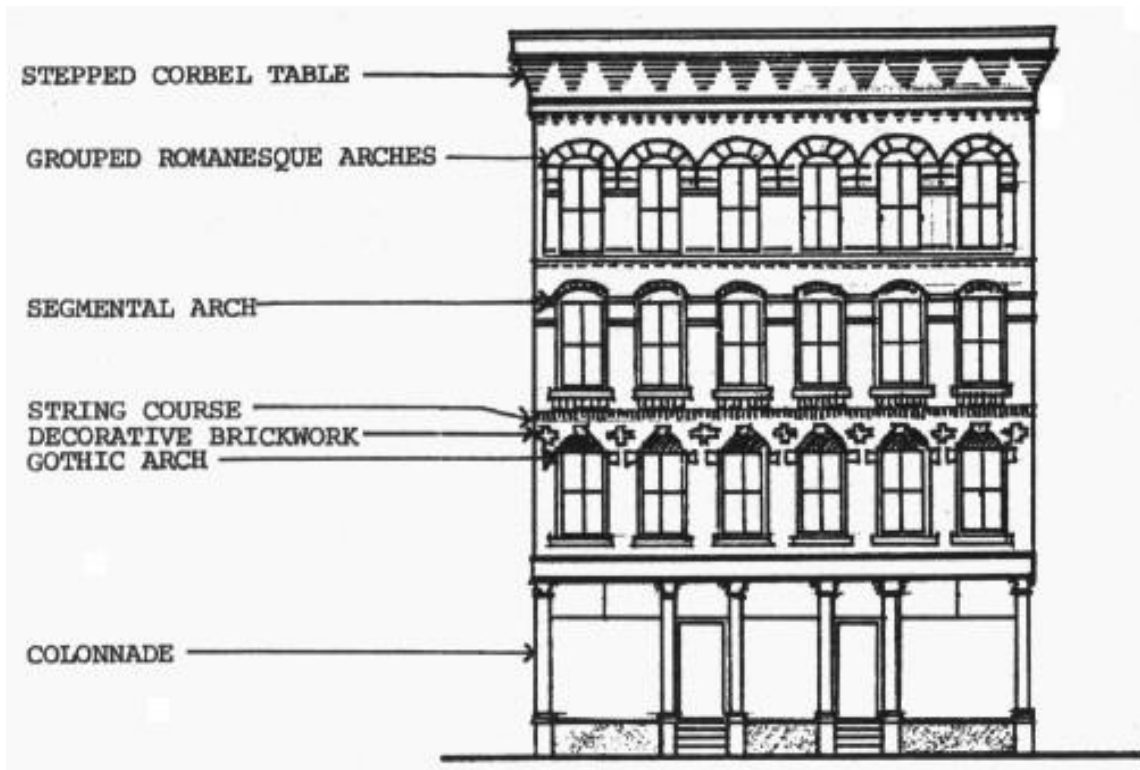












### Revise Permitted Uses in the C-2 District to Increase Flexibility and Remove Auto-Oriented Uses

#### *Issue*

In response to an evolving retail market and desire to promote entrepreneurship and support the local business community, Sleepy Hollow should explore removing existing barriers in the zoning code that may prevent development that the Village favors. Allowing more flexibility in use types in the C-2 district is one way to achieve this objective.

As Village priorities have changed over the years, so too have trends in retail and commercial development. Overly prescriptive use types can create barriers to development and entrepreneurship that would improve the downtown for residents, businesses, and visitors. In particular, consumers' move toward making purchases online has created challenges for traditional main streets. Sleepy Hollow's downtown and commercial areas must adapt to this reality. Successful businesses tend to be those that provide services that cannot be provided online, such as restaurants and bars, personal services, exercise-related uses, and other businesses that provide a unique experience. Many small businesses are experimenting with providing multiple services in one place (for example, a small manufacturer that also sells goods and holds classes or tours).

Sleepy Hollow's zoning code does not currently allow many of these emerging business types, instead requiring variances or forcing potential investment into other communities.

The C-2 district currently allows auto-oriented uses such as car wash. Although the Comprehensive Plan is generally supportive of encouraging more flexibility, this is one case where the plan considers the benefit of being strategic in terms of the uses allowed. The Village's central business district and most dense residential area may not be appropriate for auto-related uses on sites that could otherwise support multi-family residential, affordable housing, and/or commercial uses. The plan recommends revising the uses allowed in the C-2 to remove these auto-oriented uses. Uses currently operating in the district would not be forced out, but the intent is to phase such uses out of the C-2 district over time.

#### *Solution*

Expand allowable uses in the C-2 district to ensure that acceptable business types are allowed. Create flexibility in the zoning code to allow downtown businesses to provide multiple services in the same tenant space. For example, a retail store could contain accessory uses such as a coffee/snack bar, a gallery space, or an event/class space. Such accessory uses would not require additional parking and could have different hours of operation. Food halls and arts and cultural uses should also be allowed. Remove Car Wash as a permitted use in the C-2 district.

#### *Zoning Text/Map Change*

Below is the revised table of uses that would be allowed in the C-2 district. In addition to these changes to the Schedule of Regulations additions to Article II Definitions would be required to add definitions for Artisan Manufacturing, Live/work units, Co-working space, and Breweries, brewpubs, and distilleries to the code.

## Sleepy Hollow Zoning Code Updates

Uses allowed in the C-2 District	
Permitted Principal Uses	Accessory Uses
<p>As in R-5, plus <sup>1</sup></p> <p><del>Banks, offices, restaurants and similar community service activities</del></p> <p><u>Professional and medical offices</u></p> <p><u>Financial institutions</u></p> <p>Stores and shops for retail business and personal and business services</p> <p>Commercial recreation facility</p> <p>Printing and publishing plant</p> <p><del>Planned commercial development group</del></p> <p>Restaurant, delicatessen, or other food service establishment</p> <p>Tavern or bar</p> <p><del>Car wash</del></p> <p>Mixed-use (commercial and residential) development</p> <p><u>Child care centers</u></p> <p><u>Educational instruction</u></p> <p><u>Museums</u></p> <p><u>Art galleries and studios</u></p> <p><u>Artisan manufacturing</u></p> <p><u>Live/work units</u></p> <p><u>Co-working space</u></p> <p><u>Breweries, brewpubs, and distilleries</u></p> <p><u>Multiple use businesses</u></p>	<p>As in C-1 <sup>2</sup></p> <p>Antennas</p> <p>Communications towers</p> <p>Antenna towers, Monopoles, Associated buildings, structures and equipment</p> <p><u>Outdoor dining</u></p> <p><u>Rooftop dining</u></p>
<p><sup>1</sup> Uses allowed in the R-5</p> <p>Attached dwellings</p> <p><del>Houses of worship Church, including parish house, convent, and rectory, and similar components</del></p> <p>Multiple dwelling</p> <p>Planned residence development group</p> <p>Social club or lodge</p> <p>Senior housing community</p>	<p><sup>2</sup> Accessory Uses allowed in the C-1</p> <p>Business sign</p> <p>Off-street parking lot or garage used exclusively for the parking of motor vehicles</p>

## Sleepy Hollow Zoning Code Updates

Eliminate the locational requirement for restaurant/food use

### *Issue*

A challenge for downtown storefronts is the need to promote experiential retail as broadly as possible. Currently, the Sleepy Hollow code restricts restaurant or food service establishments, preventing a new establishment from locating within 200 feet of an existing restaurant. This provision may have originally been enacted to limit competition against existing restaurants. However, in the current retail environment, experiential uses like restaurants are critical to ensure the liveliness of Sleepy Hollow's downtown.

### *Solution*

Eliminate the locational limit for restaurant or food service establishments in the C-2 zone. Currently, § 450-49 of the zoning code provides that no portion of a property used for a restaurant, food service establishment, deli, tavern or bar can be within 200 feet from any lot used for another such establishment. This outdated provision could be limiting the future location of food-related uses, which were indicated in the online survey and throughout the planning process as highly desired by the community.

### *Zoning Text/Map Change*

~~§ 450-49 Restaurants, delicatessens, food service establishments, taverns, bars and drinking establishments.~~

~~{Added 7-18-1989 by L.L. No. 12-1989}~~

~~No portion of the property used for a restaurant or food service establishment or delicatessen or tavern or bar shall lie within 200 feet in a straight line from any lot or parcel that is used for another restaurant or food service establishment or delicatessen or tavern or bar.~~

### Allow Non-residential Uses on Upper Floors of Mixed-Use Buildings

#### *Issue*

The code currently only allows non-residential components of mixed-use buildings on the lower floor. Although the commercial/office market has been soft in recent years, preventing a property owner from leasing to a commercial tenant above a restaurant or retail use is counterproductive. It reduces flexibility but also could have unintended secondary consequences. For example, upper floor commercial in the downtown would have parking demands during different times of day from residential uses in and around the downtown. Further, encouraging more commercial activity in the downtown could help to support other businesses during daytime hours.

#### *Solution*

Revise section 450-51 of the Village code as follows. This would allow non-residential uses, such as offices, on floors other than just the first story of a building. For example, the proposed revisions would allow commercial uses on first and second floors of a building that has residential on the upper floors. The revised definition of “mixed use,” discussed, above, is also part of this change.

#### *Zoning Text/Map Change*

##### **§ 450-51 Mixed-use (commercial and residential) developments.**

[Added 2-15-1994 by L.L. No. 1-1994]

Dwelling units may be permitted on the upper (non-first-story) levels of buildings in accordance with the following conditions:

- A. Mixed-use developments shall only be permitted in buildings which conform to the New York State Uniform Fire Prevention and Building Code for the proposed mixed use.
- B. The nonresidential use of a mixed-use building must be a permitted principal use in the zoning district in which it is located.
- ~~C. The nonresidential use of a mixed-use building shall be limited to the first story level.~~
- ~~C~~D. The residential and nonresidential uses of the mixed-use building shall have separate means of access (that is, the entrance/exit for the residential use shall not be through the nonresidential use of the building and vice versa), except that the Planning Board may, at its discretion, approve the use of a common lobby or plaza.
- ~~D~~E. All utility, storage, service and parking areas on the site of the mixed-use building shall be screened by means of landscaping and/or fencing to the extent deemed necessary and practical by the Planning Board to minimize the impact of these areas upon the residential use of the building.
- ~~E~~F. Mixed-use developments shall not be permitted where the nonresidential use of the building includes manufacturing or where the nonresidential use is automotive in nature. One exception is that artisan manufacturing shall be permitted as the nonresidential use in mixed-use developments. Artisan manufacturing means the non-mechanized, non-assembly line, small-batch production and assembly of finished products or component parts, typically by hand, and including design, non-noxious or environmentally deleterious processing, fabrication, assembly, and treatment, and packaging of finished products.



## Sleepy Hollow Zoning Code Updates

### Revise Parking Requirements to Modern Standards for a Transit-Oriented Downtown

#### *Issue*

Sleepy Hollow's parking standards, especially for multi-family buildings and some commercial uses, are outdated. The Village should change parking ratios and provisions to be more in line with modern standards and make it easier for property owners to meet parking requirements, or, where those requirements cannot be met, to pay an in-lieu fee that could be used to implement parking improvements throughout the downtown area. In most cases, this would result in reduced parking requirements for new development and changes in use, which would help to remove unnecessary barriers to new investment in the Village.

#### *Solution*

- Establish a higher parking requirement for medical and dental offices
- Exempt small businesses from loading requirements
- Increase distance for off-site parking
- Codify the Village's existing interpretation of the code which exempts ground floor retail/commercial in existing buildings from parking requirements, unless the new use requires more parking than the old use.

#### *Zoning Text/Map Change*

#### **§ 450-41 Off-street parking and loading space**

E. Required parking spaces. Except as provided for uses in the RF District in § 450-18L above, the number of off-street parking spaces required shall be as set forth in the following schedule:

[Amended 12-1-1987 by L.L. No. 16-1987; 7-17-2001 by L.L. No. 10-2001; 1-22-2013 by L.L. No. 1-2013]

Use	Minimum Required Spaces
Office uses in commercial or residential buildings	1 for each 300 square feet of floor area
<b><u>Medical and dental office</u></b>	<b><u>1 for each 150 square feet of floor area</u></b>
<b><u>All uses in commercial or residential buildings on lots of 30 feet or less in width</u></b>	<b><u>The minimum parking requirement is waived except when a change of use includes medical or dental office uses</u></b>

## Sleepy Hollow Zoning Code Updates

### § 450-41 Off-street parking and loading space

F. Required loading spaces. The number of off-street loading spaces required shall be as set forth in the following schedule. In the case of any use not specifically mentioned herein, the Board of Appeals shall determine the number of loading spaces required.

[Amended 1-22-2013 by L.L. No. 1-2013]

Use	Square Feet of Total Floor Area or Other Unit of Measurement	Required Off-Street Loading Berths
Schools	For the first 15,000 square feet	1
	For each additional 20,000 square feet	1
Hospitals, in addition to space for ambulances	For each 50 beds	1
	For each additional 75 beds or major fraction thereof	1
Undertaking establishments	For the first 5,000 square feet	1
	For each additional 10,000 square feet or major fraction thereof	1
Offices, hotels, retail, commercial, wholesale, storage, and miscellaneous uses	<u>Under 5,000 square feet</u>	<u>0</u>
	<u>Under 5,000 to</u> 20,000 square feet	1
	20,000 to 50,000 square feet	2
	More than 50,000 to 100,000 square feet	3
	For each additional 50,000 square feet or major fraction thereof	1

### § 450-53 Off-site parking areas.

A. Ownership of site. An off-site parking area, as described in § 450-41B(4), shall be located on land in the same ownership or leasehold as that of the land on which is located the use to which it is appurtenant.

B. Location. An off-site parking area shall be so located that its pedestrian access shall be within ~~250~~ 500 feet from the effective entrance to the use which it serves.

C. Safety and neighborhood impact. An off-site parking area shall be conveniently usable without causing hazard to pedestrians or to vehicular traffic; traffic congestion, such as due to turning movements; detriment to the appropriate use of other property in the immediate vicinity; or detriment to any residential neighborhood.

D. Site plan. A site plan and map indicating the location of a proposed off-site parking area, its relationship to the principal use to which it is appurtenant and to public and quasi-public uses within 300 feet, and provisions for signs, for drainage and for access shall be submitted to the Planning Board as provided in § 450-66.

Parking for existing uses, buildings, structures, and narrow parcels.

A. Ground-floor uses within buildings in the C-2 District that are in existence prior to adoption of this section shall be considered legally nonconforming with respect to parking even if they do not meet the minimum parking requirements for the use. The difference between the number of spaces that the existing use is required to provide and the number of spaces that it provides shall be considered a credit that carries forward with the building (unless the building is enlarged, expanded, or replaced).

B. At the time of any change in use within existing buildings that are legally nonconforming with respect to parking as described in Section A above, the credit may be deducted from the parking requirements of the new use. If the new use requires the same or fewer parking spaces as the previous use, the new use is not required to provide additional off-street parking, but shall not reduce the number of existing spaces provided, except to the extent that the new use provides parking in excess of the requirements in Section 450-41). If the new use requires more parking spaces than the previous use, the parking requirement shall equal the number of spaces required by Section 450-41 minus the credit described in Section A above.

C. Parcels less than 30-ft wide within the C-2 District and with frontage along Beekman Avenue, Clinton Street, Valley Street, and Cortlandt Street are considered legally nonconforming with respect to parking and need not meet the minimum parking requirements indicated in Section 450-41.

### Create Development Incentives/Community Benefits to Encourage Investment in the C-2 District

#### *Issue*

There are a limited number of infill sites remaining that could be developed in Sleepy Hollow's downtown. Some of these are challenging sites which may require zoning incentives to encourage appropriate development. For example, sites may have limited access to provide parking or they may require brownfield remediation. Because of these constraints, new development is often too expensive for a developer. Development incentives—paired with community benefits—are one way to make the Village more attractive to the development community, while also ensuring that new development also provides public benefits. A key consideration is to ensure that the incentives are substantial enough to encourage investment in the Village. If the cost of the community benefits exceeds the value of the development incentives, the program will not bring in the investment that the Village is seeking to encourage.

#### *Solution*

Provide development bonuses to new developments in exchange for provision of community benefits. The proposed zoning solution would apply throughout the C-2 district (see map of the C-2 district below). Examples of potential bonuses include a height bonus from four stories to five stories, reduced parking requirements, increased floor area ratio, and reduced parking requirements. Examples of community benefits include public open space, green building certification, affordable housing, and converting non-conforming uses.

The proposed zoning is based on a scoring system. Each community benefit is assigned points. To achieve the development incentives, a developer would have to demonstrate that they have provided enough community benefits to add up to 15 total points.

## Map of the C-2 District





### *Zoning Text/Map Change*

#### **Statement of intent and objectives.**

The intent of the development incentives and community benefits program is to encourage investment in the Inner Village of Sleepy Hollow, to incentivize development of underutilized sites. In exchange for provisions of community benefits described in this section, a developer could receive a series of incentives to make investment more attractive. The development incentives and community benefits program is only applicable within the C-2 zoning district.

#### **Procedures.**

The development incentives and community benefits program may be granted by special permit to the Village Board of Trustees. Upon demonstrating that the development application has achieved the requisite number of points using the scoring system described below, the Village Board of Trustees may grant all or some of the development incentives described in this section.

#### **Scoring System.**

The scoring system is based on three tiers of community benefits. As part of their special permit application, a developer must demonstrate that the proposed project achieves a total of 15 points based on the community benefits described below. The three tiers are:

- High Value/Priority: 5 points
- Mid Value/Priority: 3 points
- Low Value/Priority: 1 point

The proposed project may include any combination of community benefits, as long as they add up to at least 15 points.

#### **Community benefits.**

Proposed Community Benefits		
Community Benefits	Description	Maximum Points
Public open space	Provision of a new public park or substantial improvements to existing public open space	5
Green Building Certification	LEED Gold and/or Passivhaus certification (or equivalent) with full or substantial electrification	5
Affordable Housing	Provision of affordable housing as defined by Westchester County at a minimum of 10% of the total number of units.	5
Converting Non-conforming Uses	Conversion of a substantial nonconforming use to a use that conforms to the requirements of the C-2 District.	5
Streetscape Improvements	Streetscape/landscape improvements (e.g. streetlighting, plantings, sidewalk improvements, etc.) including but not limited to improving Complete Streets standards in the vicinity of the new development or at a location deemed a priority by the Board of Trustees.	3
Infill Development	New development on existing infill sites that are less than 30 feet wide.	3
Neighborhood Stabilization Fund	Payment into a fund to provide for building repairs, landscaping, and similar measures to improve housing conditions.	3
Off-Street Public Parking	Provision of off-street public parking in excess of the parking requirements for the uses on site and/or provision of public and municipal access alleyways.	3

## Sleepy Hollow Zoning Code Updates

Cultural Facilities	Designation of leasable space building to a cultural use, such as a museum, gallery, performing art space, theater, etc.	3
Green infrastructure	Incorporation of green infrastructure measures (e.g., green roofs, rain gardens, bio-retention areas, rights of way for renewable energy, community solar access, etc.).	1
Green Building Strategies	Incorporation of strategies to support the Climate Smart Communities program (e.g. EV charging stations, low carbon thermal energy networks, ground source heating or cooling, community solar).	1
Public Art	Commissioning of public art that is viewable in the public right of way.	1
<b>NYS stretch code with Electrification Ready Provisions</b>	Achieve NYS stretch code energy efficiency standards and provide infrastructure to eliminate on-site fossil fuels combustion.	1

## Development incentives.

Proposed Development Incentives		
	Existing/Underlying Zoning	Proposed Development Incentive
<b>Height</b>	45 feet (4 stories)	55 feet (5 stories) unless otherwise specified in Overlay Design Guidelines
<b>Parking (residential)</b>	1 space per unit plus 0.5 spaces per bedroom	0.5 space per unit plus 0.25 spaces per bedroom
<b>Maximum Lot Coverage</b>	Mixed-Use: No maximum coverage, 1.4 FAR	Mixed-Use: No maximum coverage, 1.9 FAR
	Multi-Family Dwelling: No maximum coverage, 1.4 FAR	Multi-Family Dwelling: No maximum coverage, 1.9 FAR
<b>Required Yards and Open Space</b>	Mixed-Use: None Multi-Family Dwelling, as in the R-5: Front: 20 feet Side: 5 feet/15 feet Rear: 25 feet	Mixed-Use: None Multi-Family Dwelling: Front: None Side: None Rear: 12 feet Unless otherwise specified in Overlay Design Guidelines
<b>Floor Area Ratio</b>	1.4	1.9

## Additional Changes to the Schedule of Regulations for the C-2 District

In order for the above Development Incentives to be effective, there are other necessary changes to the Schedule of Regulations table for the C-2 district. These changes correct errors in the table and clarify requirements for multi-family buildings that are currently not explicitly spelled out. Additions to the Schedule of Regulations for the C-2 are in red underline. Subtractions from the schedule are in red strikethrough.

June 30, 2021

31

## Sleepy Hollow Zoning Code Updates

<a href="#"><u>Child care centers</u></a>														<a href="#"><u>Community</u></a>
<a href="#"><u>Educational instruction</u></a>														<a href="#"><u>Benefits in the C-2</u></a>
<a href="#"><u>Museums</u></a>														<a href="#"><u>District</u></a>
<a href="#"><u>Art galleries and studios</u></a>														
<a href="#"><u>Artisan manufacturing</u></a>														
<a href="#"><u>Live/work units</u></a>														
<a href="#"><u>Co-working space</u></a>														
<a href="#"><u>Breweries, brewpubs, and distilleries</u></a>														
<a href="#"><u>Multiple use businesses</u></a>														

### Create Development Incentives to Encourage Adaptive Re-Use

#### *Issue*

Following upon the above recommendation to incentivize development of infill sites in and around the downtown, the Comprehensive Plan also explores the need to preserve existing buildings that make up the Village's existing character. During development of the plan, the steering committee was concerned that incentivizing new development could come at the expense of preserving existing buildings. The plan considers the potential to incentivize adaptive re-use of existing buildings to maintain a balance in the Village between new construction and renovation of historic structures. In particular, the objective is to preserve educational, religious, and institutional buildings that contribute the Sleepy Hollow's historic character.

#### *Solution*

Add a development incentive that is available for projects that preserve existing institutional buildings, such as religious, educational, or institutional uses. The objective is to encourage and facilitate reuse of these buildings that contribute to the historic feel of the Village. Institutional buildings could be repurposed for housing, retail, indoor recreation, arts and culture, or other activities that will bring people downtown while contributing to the tax base.

#### *Zoning Text/Map Change*

##### Adaptive reuse of religious or educational buildings

The purpose of this section is to prevent the demolition of and foster the renovation and reuse of structures originally constructed for religious, educational, or institutional uses, which have historic, architectural, economic, cultural or other value to the Village and are at risk of becoming underutilized, vacant or demolished. This section encourages the adaptive and flexible reuse of such buildings to allow more economic and efficient use of the property. Special regulations are appropriate to this type of reuse because of the difficulty present in adapting these structures to allow economic and efficient use of the property. This provision may be applied within the C-2 and R-5 zoning districts.

- A. Special permit authority. The Planning Board may grant a special permit subject to the additional provisions set forth below to allow the use of an eligible building for uses which may not otherwise be allowed and such adaptive reuse of an existing building may occur within its existing footprint even if dimensionally nonconforming. The Planning Board may modify minimum lot area, height, stories, minimum lot frontage, maximum coverage, maximum habitable floor area, minimum lot width, and front, side and rear yard setback requirements if the Planning Board determines that the modification is necessary to preserve the building and allow its adaptive reuse. The granting of a special permit will require compliance with site plan review requirements. The Board of Trustees must review and grant a special permit for requests to demolish structures meeting the eligibility requirements herein.
- B. Eligible buildings. Any building originally constructed for religious, educational, or institutional or cultural purposes including buildings previously occupied as a primary or secondary school, place of worship, accessory building to a place of worship (such as a rectory, convent, school gym or similar use), or such buildings having historic, architectural, economic, cultural or other value to the Village.
- C. Parking. The Planning Board may modify off-street parking requirements based on applicant's information regarding the parking impacts of the proposed adaptive reuse. Parking may also be provided on lot(s) in private ownership within 500 feet of the building entrance as part of the Planning Board approval of the special permit.
- D. Additional conditions. The Planning Board may attach such additional conditions to a special permit granted under this section as may be necessary to protect the neighborhood surrounding the property and to encourage the most appropriate adaptive reuse of the buildings and property.

## Sleepy Hollow Zoning Code Updates

### Amend the Strategic Property Redevelopment Floating Zone

#### *Issue*

Following upon the previous recommendations to encourage adaptive reuse and to incentivize development of infill sites in and around the downtown, the Comprehensive Plan also explores the need to redevelop underutilized former industrial or commercial sites which are having a deleterious impact on Downtown livability or sites which are deemed a barrier to the economic and growth objectives outlined in the Comprehensive Plan.

#### *Solution*

Build upon and amend the Strategic Property Redevelopment Floating Zone to include privately owned parcels or parcel assemblages with 60-ft or more of continuous street frontage on Beekman, Valley, Cortlandt or River Street.

#### *Zoning Text/Map Change*

§ 450-99. Statement of intent and objectives.

It is the intent of Strategic Property Redevelopment (SPR) Floating Zone to enable the redevelopment of underutilized privately held and municipal properties so they can be returned to the tax rolls as applicable or otherwise redeveloped for mixed use, affordable and market rate housing and to provide criteria for the development of such uses.

§ 450-100. Development standards and general requirements for SPR.

A. Properties that satisfy the following siting criteria shall be eligible for inclusion into the SPR Floating Zone:

(1) The property must be owned by the Village or its designated entity, the Sleepy Hollow Local Development Corporation, or if the property or assemblage of properties is privately held, such property or properties must together contain a minimum of 65 feet of frontage on either Beekman Avenue, River Street, Valley Street, or Cortlandt Street.

§ 450-103. Development incentives.

A. Purposes. It is recognized that the SPR encompasses a unique resource within the Village of Sleepy Hollow, containing both a significant opportunity for achievement of public amenities and a major potential for redevelopment. To provide an incentive which will further encourage the most appropriate use and development of the Village's various land holdings along with those of other government related or private entities in a manner designed to achieve adopted planning objectives and to further the policies and purposes of the Village's Comprehensive Plan and Local Waterfront Revitalization Program, the Village may allow, only by application for a special permit and following a public hearing held on notice duly given in the same manner as required by law for zoning amendments, an increased building bulk (i.e., floor area ratio and/or building height), relief from required setbacks, nonresidential uses on the upper floors of mixed use buildings, relief from parking and loading requirements.

B. (1) (c) Streetscape/landscape improvements in the form of streetlighting, plantings, sidewalk improvements, benches and other similar streetscape/landscape amenities for the Village's downtown commercial/ residential areas or enhanced vehicular or pedestrian access or rights of way through the property.

C. (1) The maximum floor area ratio and/or building height increase shall not exceed 34% as compared to that otherwise permitted in the underlying district.